IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 26741 of 2007(H)

PETITIONER:

RAFFI MATHER,
S/O.K.M.IBRAHIMKUTTY MATHER, AGED 36 YEARS,
MANAGING PARTNER,
M/S.MATHER PROJECTS & CONSTRUCTIONS,
CONSUMER NO.8288, THE ESPLANADE, CONVENT JUNCTION,
ERNAKULAM - 682 011.

BY ADV. SRI.M.AJAY
SRI.V.J.JAMES

RESPONDENTS:

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1. THE DEPUTY CHIEF ENGINEER (APTS),
VIGILANCE WING, KSEB, VYDYUTHI BHAVAN,
THIRUVANANTHAPURAM-695 004.

2. THE ASST.EXECUTIVE ENGINEER, KSEB,
COLLEGE SUB DIVISION, CLUB ROAD,
ERNAKULAM.

3. THE ASST.ENGINEER, KSEB, COLLEGE
SECTION, CLUB ROAD, ERNAKULAM.

4. THE CHIEF ENGINEER
(COMMERCIAL & TARIFF), KSEB,
VYDYUTHI BHAVAN, THIRUVANANTHAPURAM-695 004.

5. THE KERALA STATE ELECTRICITY BOARD,
(REPRESENTED BY ITS CHAIRMAN),
VYDYUTHI BHAVAN, THIRUVANANTHAPURAM-695 004.

BY ADV. SRI.P.P.THAJUDEEN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.26741 of 2007

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Dated this the 7th day of September, 2007.

JUDGMENT

The appeal filed against the disputed electricity bill is referred by the Deputy Chief Engineer to the Chief Engineer, KSEB probably because of his involvement in the original bill. However, petitioner's grievance is only against the condition imposed by the Deputy Chief Engineer in maintaining the appeal before the Chief Engineer i.e. payment of 50% of the demand which is above Rs.16 lakhs without interest and Rs.27 lakhs with interest.

2. Heard counsel for the petitioner and Standing Counsel for KSEB. Since the Deputy Chief Engineer has referred the matter to the Chief Engineer, he has to necessarily hear the appeal. However, having regard to the contentions raised, I modify the condition imposed by the Deputy Chief Engineer by reducing the payment to rupees seven lakhs which petitioner is directed to pay within two weeks from now. If supply is disconnected, it will be restored on payment of Rs.7 lakhs. The petitioner will continue to pay regular bills and recovery of the balance arrears will be kept in abeyance till disposal of appeal and recovery thereafter will be based on orders of the Chief Engineer in appeal, who is directed to pass final orders

in the appeal after hearing the petitioner and after perusing records, within two months from the date of production of copy of this judgment. The petitioner will be allowed to produce documents and adduce evidence, if he so desires. Copy of the documents requested by the petitioner also will be furnished by the Chief Engineer from records.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms